

**IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING**

CASE NO.: CR-05-00011-002

DATE: February 07, 2007

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HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Kim R. Walmsley

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez    Electronically Recorded: 10:03:58 - 11:19:37

CSO: F. Tenorio / J. Lizama

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**APPEARANCES:**

Defendant: Albert Portusach Mendiola, Jr.

Attorney: Mark Smith

☒ Present   ☐ Custody   ☐ Bond   ☒ P.R.

☒ Present   ☒ Retained   ☐ FPD   ☐ CJA

U.S. Attorney: Marivic P. David

U.S. Agent: Ken Bowman, D.E.A.

U.S. Probation: Maria Cruz

U.S. Marshal: None Present

Interpreter:

Language:

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**PROCEEDINGS: Continued Sentencing**

- Government's Motion for downward departure was granted.
- Defendant committed to the Bureau of Prisons for a term of 48 months, with credit for time served. While in prison, the defendant shall participate in the 500 Hour Intensive Drug Treatment Program and educational and vocational programs approved by the Bureau of Prisons. Defendant was also ordered to write a letter to the Court every three months.
- Defense's oral motion for judicial recommendation was granted. The Court recommended incarceration at Lompoc, California.
- Upon release from imprisonment, defendant is placed on supervised release for a term of three years, with conditions (refer to Judgment for conditions of supervised release).
- All fines waived by the Court.
- Defendant was ordered to pay a special assessment fee of \$100.00 to be paid immediately after sentencing.
- Court stated the justification of the sentence imposed.
- Defendant advised of appeal rights.
- Defense's oral motion for self-surrender to the facility upon designation and release of defendant's passport were granted. Court released the defendant and ordered his passport be released prior to his departure.

NOTES: